

children, has since grown into a distinguished and highly successful effort to provide services to more than one thousand people with special needs on the South Shore each year. From summer day camps to transitional employment programs; from early intervention services to residential and workshop facilities; from individual to family support programs—South Shore ARC has given all of us opportunities to realize and meet our full potential.

Throughout its history, South Shore ARC has been a leader in the community, utilizing public and private partnerships in its twofold mission of advocacy and the delivery of quality services. The organization has fought tirelessly for the rights of individuals with disabilities, and has been instrumental in the passage of legislation improving and expanding special needs education.

Mr. Speaker, I invite you and our colleagues to join with me in congratulating the South Shore Association for Retarded Citizens for fifty years of service to the people of Massachusetts. This organization has fostered positive working relationships with our community, and has improved the lives of thousands of adults and children with special needs. I commend them for their decades of hard work, and wish them many more years of success.

INTRODUCTION OF THE RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to improve the ability of the Bureau of Land Management and the Forest Service to respond to a serious problem affecting federal lands in Colorado and other states.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged.

One of the uses that cause the greatest impacts are recreational off-road vehicles. The results can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems, by appropriate restrictions and putting some sensitive areas off-limits to vehicle use.

Most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number

of such users who do not obey the rules. Given the nature of this use (large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas), even a relatively few who violate management requirements can create serious damage to public land resources.

Yet, in some cases, recreational off-road vehicle users ignore these closures and management requirements. Often times, when these activities occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under BLM's basic law, the Federal Land Policy and Management Act of 1976, fines for violations of regulations—including regulations governing ORV uses—are limited to \$1,000. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such violations—to \$10,000 or the costs of restoring damaged lands, whichever would be greater.

The need for this legislation is well shown by a recent article in the Denver Post by Penelope Purdy that outlines problems in New Mexico, Utah, and Idaho as well as some recent events in Colorado. As she reports, last August, two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, "Alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires."

Despite the extent of the damage, the violators were only fined \$600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event that occurred last year above Boulder, Colorado, that has become popularly known as the "mudfest."

Two Denver radio personalities announced that they were going to take their off-road four-wheel-drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road-vehicle users. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from \$66,000 to hundreds of thousands of dollars.

Most of the "mudfest" damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National

Forest—but the Forest Service only assessed a \$50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, or stands as much of a deterrent for future similar behavior.

These are but two examples. Regrettably, there are many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, my bill would amend the Federal Lands Policy and Management Act and relevant laws governing the Forest Service to authorize these agencies to assess greater fines on recreational off-road vehicles for violations of management, use and protection requirements. The bill would authorize the Secretary of the Interior and Secretary of Agriculture to assess up to \$10,000 in fines, or 12 months in jail, or both, for violations of road and trail closures and other management regulations by recreational off-road vehicles. The bill also would authorize the Secretary of the Interior and the Secretary of Agriculture, in lieu of a specific dollar fine, to assess fines equal to the costs required to rehabilitate federal public lands from damage caused by recreational off-road vehicle violations.

In addition, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper use of vehicles on federal lands.

This would give these agencies additional resources to recover damaged lands and areas that may be exposed to repeated violations.

The bill does not put any lands "off limits" to recreational off-road vehicle use. It does not affect any specific lands in any way. The bill also does not provide for increased fines for other activities that can damage federal lands. There may or may not be a need for legislation along those lines, but in the meantime I am seeking only to address this one problem.

Mr. Speaker, I fear that that improper use of recreational vehicles is a problem of growing seriousness throughout the west. My intention with this bill is to help address this problem so that all recreational users of our public lands can have a rewarding, safe and enjoyable experience. Everyone's experience is diminished when a few bad actors spoil the resources and the beauty of our lands. I think this bill can help provide the BLM and the Forest Service with better tools to respond to response by allowing appropriate recreational use of our public lands while also protecting the resources and values of these lands that belong to all the American people.

For the information of our colleagues, I am attaching a fact sheet about the bill as well as an editorial and other material from the Denver Post:

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

Background: In Colorado and throughout the west increased population growth has brought increased recreational use of federal lands. This has made it harder for land-managing agencies to adequately control and manage such use.

Recreational and other use of off-road vehicles (ORVs) can present serious problems. This use should be allowed to continue, but must be managed and controlled to minimize or avoid adverse effects. That involves closing-off some sensitive areas and other regulations.

Improper use of vehicles can result in serious damage to the national forests and the public lands managed by the Bureau of Land Management (BLM). This can involve damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts to the landscape; loss of quiet areas due to the deeper penetration of off-road vehicles into previously secluded areas of the public lands; and impacts to wildlife from noise and effects on migration corridors.

Currently, the Forest Service and BLM do not always have clear authority to assess fines commensurate with the costs of enforcement and the damage that often results. For example, under the law governing BLM lands, federal officials can only impose up to \$1,000 in fines while the damage that results could cost thousands more to address. The Forest Service's authority also needs clarifying and strengthening.

The bill would provide new authority, in order to increase public awareness, deter violations, and help cover the costs of enforcement and damages to affected lands.

WHAT THE BILL WOULD DO

Allow Increased Fines: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess fines of up to \$10,000 or the costs of restoration, whichever is greater, for violation of ORV regulations. The current provisions for imprisonment of 12 months in jail is retained.

Apply Fines to Enforcement and the Area Damaged: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the costs of enforcing off-road violations, increasing public awareness of the problem, and to repair damages to lands affected by such violations.

WHAT THE BILL WOULD NOT DO

Increase Closures of Public Lands: The bill would not require that any particular lands be "off limits" to recreational off-road vehicle use. Decisions about which roads or trails will remain open to such use would continue to be made by the land-management agency.

Apply to Other Uses: The bill would not impose increased fines for violation of any regulations other than those applicable to use of vehicles.

Eliminate Fines for Other Violations: The bill would not affect the current ability of the federal public land agencies from assessing existing fines and penalties for other activities that violate management, use and protection requirements. Such fines would continue to apply to violations of other regulations.

[From the Denver Post, Feb. 11, 2001]

CURBING THE TRAFFIC

It's obscene that motorized vehicles can legally drive wherever they please on so much public land, disrupting wildlife habitat and scarring fragile terrain. Some U.S. Bureau of Land Management districts and national forests require all motor vehicles to stay on marked roads or four-wheel-drive tracks—but many do not. The federal government must start requiring off-road vehicles to stay on roads and four-wheel-drive trails in all BLM and U.S. Forest Service holdings.

Most people who drive on BLM land and national forests already stay on designated routes. So the extensive, increasing damage to taxpayer property is being inflicted by a small percentage of off-road drivers. But because the raw numbers of ORVs has soared, the ecological damage also has increased.

Paradoxically, the government requires extensive environmental studies before it lets oil drillers, timber companies or ski areas build roads on public lands. Yet it continues to let ORVs carve unofficial trails with no environmental assessment at all.

When the agencies do crack down on the worst abuses, some off-road drivers complain that the rules close citizens off the public lands. Unfortunately, Congress gives too much credence to this vocal minority and remains ill-informed about the real damage happening on the ground.

It's thus commendable that the Colorado BLM office is considering an interim order making all motor vehicles stay on existing roads and trails. But the bureau also must make good on its promise to get public input.

Meantime, the Forest Service has worked with local citizens' groups to draft plans regulating ORV use in several national forests in Colorado.

Nationwide, other steps are needed:

The BLM and Forest Service must better map and sign which routes they want ORVs to use. The agencies should work with recreation groups and wildlife experts to plan what routes should stay open or be closed. This effort must be conducted at the grass-roots level.

Congress must properly fund BLM and the Forest Service to do this work. And lawmakers should increase penalties for serious ORV violations.

Woody Guthrie once sang that "this land is your land." But that doesn't give anyone the right to rip it up.

[From the Denver Post, Oct. 3, 2000]

MUDFEST UNPUNISHED

(By Penelope Purdy)

Official reaction has been appallingly weak to the off-road-vehicle "mudfest." Federal and state agencies mostly point fingers at each other and claim the law doesn't let them do diddly squat in the matter. To quote Charles Dickens: "If that's the law, sir, then the law is an ass."

In late September, disc jockeys for Denver radio station KBPI talked on the air about going four-wheeling and named the day and place. Several hundred people showed up in their SUVs, monster trucks and off-road vehicles. They crossed federal land to get to the site, Caribou Flats. The property's owner, Tom Hendricks—a good guy, known for environmentally proper gold mining—asked the drivers to leave. They ignored both his pleas and orders from law enforcement officers. And they left one heck of a mess in the high-altitude wetland. The area is a potential habitat for

For example, when the Vail ski area accidentally built part of a temporary road through a seasonal wetland, not only did the U.S. Environmental Protection Agency insist that Vail fix the damage, but it's also contemplating a substantial fine against the resort. The Vail wetland involved only a fraction of one acre. Yet faced with a case involving 25 acres near Boulder, the EPA says federal law doesn't protect wetlands on private property from this vehicle-caused damage.

When building its new airport, Denver delayed construction of one runway because a pair of burrowing owls had nested in its path. Interfering with a migratory bird is a federal offense. But confronting the destruction of habitat for 13 migratory bird species at Caribou Flats, the U.S. Fish and Wildlife Service says its hands are tied.

Many of the mudfest yahoos later excused their juvenile behavior by claiming they "didn't know" they were on private property. But that statement indicates they thought that if they were on public land, it'd be OK to spin their big wheels in the mud. It's not OK.

The Arapahoe-Roosevelt National Forest is implementing a policy, already posted in many places, that drivers must stay on designated routes. Yet the U.S. Forest Service, across whose land the scofflaws at Caribou Flats had to travel to reach the scene, only imposed a minimum \$50 fine on the disc jockeys for holding a large gathering without a permit. Even the Colorado Division of Wildlife says it likely can do nothing in the matter.

A criminal inquiry is under way by the Boulder sheriff, with help from the Colorado attorney general. But they're mostly looking at non-environmental questions such as trespass.

Sadly, despite claims by four-wheel-drive clubs that they teach members to drive responsibly, what happened at Caribou Flats isn't an isolated incident:

During the Buffalo Peaks Hill Climb near Buena Vista, someone illegally bulldozed a half mile of road in part of the Pike-San Isabel National Forest.

Last summer, local dirt bikers unlawfully built a racetrack across two miles of the White River National Forest.

The White River forest wants all drivers to stay on designated roads and four-wheel-drive tracks, not run across public land. But Colorado politicians, including U.S. Sen. BEN CAMPBELL oppose the plan.

Near Boulder, off-roaders reopened a private road that the landowners had closed to prevent environmental harm.

The problem is getting worse, because some SUV and ORV drivers cling to an archaic, arrogant mentality that they have a God-given right to drive anywhere, anytime, regardless of whose land they're on or what destruction they cause. This faction howls whenever the Forest Service or other land management agency even suggests restricting vehicle travel to designated roads and tracks.

Now, the meek official reaction to the Caribou Flats mudfest effectively has told these irresponsible jerks: Go ahead and turn every precious alpine wetland in Colorado into a mud flat, because we're not going to do a darn thing to punish you.